



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JAN - 5 2010

William R. Pugh, P.E.
Town Engineer
Town of Cheektowaga
Engineering Department
275 Alexander Avenue
Cheektowaga, New York 14211

Dear Mr. Pugh:

This is in response to your October 27, 2009 request for a categorical exclusion (CATEX) from substantive environmental review requirements, pursuant to 40 CFR Part 6, for the Town of Cheektowaga's North Creek Sanitary Sewer Project, to be constructed in the Town of Cheektowaga, Erie County, New York.

The Town of Cheektowaga is under a New York State Department of Environmental Conservation (NYSDEC) Order on Consent to eliminate all sanitary sewer overflows (SSO) located within its borders. This project, which will eliminate SSO No. 024 on JFK Lane, involves the installation of approximately 4,700 linear feet of 24-inch polyvinyl chloride sanitary sewer pipe along the south side of North Creek Drive. The new trunk sewer will connect to an existing downstream 30-inch sanitary sewer that has been determined by recent flow monitoring to have the required additional capacity. The proposed sanitary sewer line will be located in a grassy roadside area that was previously disturbed during the Scajaquada Creek Channel Improvement Project.

Following the installation of the proposed trunk sewer, wastewater will be conveyed to the Cheektowaga Main Pump Station in a more direct manner, then flow on to the Buffalo Sewer Authority (BSA) for treatment. It is anticipated that 40 percent of the yearly SSO events (equivalent to 3,360,000 gallons) normally occurring at Overflow No. 024 will be treated at the BSA following project implementation.

The project meets the CATEX eligibility criteria found in 6.204(a)(1)(ii). This category includes "actions relating to existing infrastructure systems (such as sewer systems, drinking water supply systems, and stormwater systems, including combined sewer overflow systems) that involve minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components (such as the sewer collection network and treatment system; the system to collect, treat, store and distribute drinking water; and stormwater systems, including combined sewer overflow systems) or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities."

This project does not involve a new or relocated discharge to surface or ground water, an increase in the volume or loading of pollutants to receiving water, or capacity to serve a population 30 percent greater than the existing population. Further, it is not contrary to any state or regional growth plan or strategy; and it is not primarily for the purpose of future development.

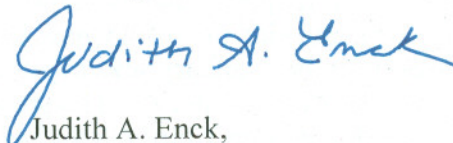
Additionally, the available information you provided concerning the proposed action indicates that none of the specific criteria for not granting a CATEX, found in 40 CFR 6.204(b)(1) through (b)(10), are present.

Based on our review, EPA approves the request for the CATEX. Please be reminded that EPA may revoke this CATEX if any of the following conditions occur:

- changes in the proposed action render it ineligible for exclusion,
- new evidence indicates that serious local or environmental issues exist, or
- federal, state, or local laws would be violated.

Should you have any questions regarding this decision, please address them to Grace Musumeci, Chief, Environmental Review Section, at the above address. Please note that this CATEX will be made available on EPA Region 2's website at <http://www.epa.gov/region02/spmm/r2nepa.htm>.

Sincerely,

A handwritten signature in blue ink, reading "Judith A. Enck". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Judith A. Enck,
Regional Administrator